

Stakeholder Implementation Committee Meeting - SFU Harbour Centre May 14, 2019

Those in attendance: Hannah Askew, Meera Bawa, Bob Bocking, Karen Campbell, Karen Elliott, Kevin Hanna, Kai Horsfield, Julia Mancinelli (for Matt Kennedy), Greg Knox, Tara Lindsay (for Carmen Holschuh) Scott Lunny, Denise Mullen, Marla Orenstein, Ward Prystay, Ron Poole, Gavin Smith, Rob Stevens

EAO Attendees: Paul Craven, Scott Bailey, Kate Haines, Fern Stockman, Natalie Schell, Sheldon Foote, Lindsay Luke, Kevin Jardine, Nathan Braun

By Phone: Geoff Morrison

Regrets: Matt Kennedy, Carmen Holschuh

Opening Remarks

- The EAO is working with Mayor Elliott and the Union of BC Municipalities to discuss the broader role of local governments in environmental assessment (EA).
- The Indigenous Implementation Committee (IIC) is still being formed, and as such the process for the two committees will be different than originally planned, but the intention is still to bring the two committees together.
- BC has submitted an amendment to Bill C69 to allow the early engagement phase to be altered to coordinate timelines with other jurisdictions.

Call with Minister Heyman

- The Minister thanked members for making the time commitment to assist in the implementation of the new EA Act through policy and regulation development.
- The Minister recognized that this is a broadly representative group with different viewpoints that will ensure effective regulations and policies are developed that align with the three objectives of revitalization: enhance public confidence and meaningful participation; support reconciliation with Indigenous nations; protecting the environment while offering clear pathways to sustainable project approvals.

Early Engagement – Review Documents

- A PowerPoint presentation (filename 5.0 Overview – Early Engagement) was presented for discussion. Additional documents were provided for review:
 - Filename 5.1 - Early Engagement Conceptual Workflow and Objectives
 - Filename 5.2 - Early Engagement Guidance Annotated Table of Contents

Early Engagement Overview

- The EA process is administered independently by the EAO, and Ministers can't direct the EAO on how to undertake the process. At the end of the process, Ministers make a decision that is in the

public interest. The readiness gate decision provides the EAO an opportunity to reach out to Ministers to ensure the project is consistent with government policy.

- Regional and Strategic Environmental Assessments (REA and SEA) is another opportunity provided in the new Act that will provide a more strategic lens to project development in the province.
- Local governments are not bound by the 30-day time limit to provide feedback on the Initial Project Description (IPD). EAO staff will meet with local governments at the beginning of early engagement to discuss decision making processes and schedules to consider in the EA.

Initial Project Description

- The EAO will develop clear guidance on requirements for projects that are candidates for an exemption, which will include minimum engagement requirements for exemption requests made after the public engagement in early engagement. This guidance should also help increase public confidence in the exemption process. The EAO may help proponents identify exemption candidates after reviewing the draft IPD.
- Fundamental objectives for the IPD; need enough information to start a conversation, including sector and project specific information; has to use plain language and be accessible with flexibility of format; and it will have minimum requirements without it being a checkbox exercise. Those who have more information available than the minimum requirements will need to find a balance of how much to provide in the IPD.

Engagement Plan

- Engagement is a continuum. The Engagement Plan will reflect engagement that has already occurred prior to entering early engagement. It is important for engagement to be EAO led with the proponent listening to results. The EAO will be looking at best practices for engagement in building its public engagement toolbox.

Detailed Project Description

- Information requirements at the Detailed Project Description (DPD) stage will be consistent with federal requirements. While the actual time needed to develop a DPD will vary by sector, there is a one-year time period for this in the Act to allow the proponent time to reflect on feedback received in early engagement. The IPD and DPD can be thought of as a listen and response exercise, where the proponent puts out an IPD, listens to feedback, and then responds with what they heard in the DPD.

Human Environment Assessment

- A PowerPoint presentation (filename 7.0 - Overview - Human Environment Assessment Guidance) was presented for discussion. Additional documents were provided for review (filename 7.1 - Draft Human Environment Assessment Guidance).
- Community cohesion is a very important factor and early engagement with a community and local government can help avoid/mitigate friction in the community.

Mitigation Effectiveness and Auditing

- A PowerPoint presentation (filename 8.0 - Overview - Mitigation Effectiveness Reporting and Audit Sections 30 and 74) was presented for discussion.

- The Auditor General report was looking at actual mitigation of residual adverse effects, which includes both the actual mitigation identified and how we word conditions. It will be important to receive feedback from the Technical Advisory Committee (TAC), Community Advisory Committee (CAC) etc. on what projects and mitigations should be audited, but the mechanism for how this will work has yet to be identified. The proponent will be providing the EAO with the same information they will already be collecting for permitting, it will just need to be repackaged for this purpose.

Process Planning – Stage Overview

Technical Advisory Committee

- A PowerPoint presentation (filename 9.0 - Overview - Technical Advisory Committees) was presented for discussion. Additional documents were provided for review (filename 9.1 - Draft Terms of Reference for the Technical Advisory Committee).
- The TAC will have more of a “technical” emphasis than the current working group. During the process planning stage, the EAO will ensure that any gaps in expertise on the TAC are filled in order to address the broad range of issues that may arise on a project.
- There is an important need for impartiality on the TAC – all parties need clear understanding of what it means to be “impartial”

Community Advisory Committee

- A PowerPoint presentation (9.2 - Overview - Community Advisory Committees) was presented for discussion. Additional documents were provided for review:
 - Filename 9.3 - Draft Terms of Reference Community Advisory Committee
 - Filename 9.4 - Community Advisory Committee Guidelines Conceptual Draft
- While the TAC is process driven, the CAC should be more community-driven in its participation in the process.
- The selection process for committee members will be unbiased in hopes of getting open-minded members. There may be situations in which it is necessary to convene multiple CACs for a project to represent multiple communities.

Wrap-Up

- Additional documents were provided for review:
 - Filename 10.1.1 - Federal GBA Plus in Impact Assessment Guidance
 - Filename 10.1.2 - Federal Discussion Paper on Information Requirements and Time Management Regulatory Proposal
 - Filename 10.1.3 - Federal Proposed Impact Assessment System Technical Guide

Action Items

- EAO to include requirement in guidance for EAO staff to engage with local governments at the beginning of early engagement, in order to plan around timelines and decision-making processes to allow for formal/meaningful feedback
- EAO to draft clear guidance on minimum requirements for exemption requests, regardless of what stage an exemption is proposed

- Gavin Smith and Karen Campbell to send some bullets to EAO on best practices for public engagement
- EAO to distribute contacts for EAO leads for members to submit feedback to
- EAO to send invites out to all SIC meetings
- EAO to distribute list of SIC membership and corresponding associations